

LB2529

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# LAWS OF NEW HAMPSHIRE

RELATING TO

## PUBLIC SCHOOLS

COMPILED FROM

PUBLIC STATUTES AND SESSION LAWS OF  
1891, 1893, 1895, 1897, 1899, 1901, 1903,  
1905, 1907, 1909.



DEPARTMENT OF PUBLIC INSTRUCTION



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DEPARTMENT OF PUBLIC INSTRUCTION

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# SCHOOL LAWS.

## I.

### SCHOOL MONEY.

#### A. *Local School Money.*

Required by  
law.

The selectmen in each town shall assess annually upon the polls and ratable estate taxable therein, a sum to be computed at the rate of seven hundred and fifty dollars for every dollar of the public taxes apportioned to such town, and so for a greater or less sum.

P. S. 88:1, as  
amended by  
48, laws 1905.

[For the public tax apportioned to your town, see Laws of 1907, also blanks for annual report to department of public instruction. Multiply apportionment for your town by 750, and the result will be money required by law.]

Money for  
text-books and  
supplies, high  
school tuition,  
flags and other  
statutory re-  
quirements,—  
how raised.

The school board of each district in their annual report shall state in detail the sums of money which will be required during the ensuing fiscal year for the purchase of text-books, scholars' supplies, flags and appurtenances, and for the payment of the tuition of the scholars of the district in high schools and academies in accordance with chapter 96 of the Laws of 1901, and for the payment of all other statutory obligations of the district. The selectmen of the town, in their next annual assessment, shall assess upon the taxable polls and property of the district a sum sufficient to meet the obligations above enumerated and when collected shall pay the same over to the district treasurer.

P. S. 88:2, as  
changed by  
52, laws 1909.



School money  
may be used  
for what.

The sums so raised shall be appropriated to the sole purpose of maintaining public schools within the town [district] for teaching reading, writing, English grammar, arithmetic, geography, and such other branches as are adapted to the advancement of the schools, including the purchase of fuel and other supplies, the making of occasional repairs upon schoolhouses, appurtenances, and furniture, and the conveyance of scholars to and from school as provided by law. P. S. 88:3.

[Occasional repairs are those involving a small outlay, not more than five per cent. of the total school money. For repairs which amount to remodeling, special appropriations should be made. For conveyance of pupils not more than 25 per cent. of all school moneys may be used.]

Assignment to  
districts.

The selectmen shall assign to each district a proportion of such money, according to the valuation of the district for the year, or in such other manner as the town, at the annual meeting, shall direct, and shall pay over the same to the school board of the district. P. S. 88:4.

[In most cases there is but one district in a town. The selectmen therefore will pay over the entire school assessment to the district treasurer to be paid out on the order of the school board.]

When a guardian and ward reside in the same town, the selectmen shall assign the tax assessed upon the ward's personal property to the school district in which the ward lives and has his home. P. S. 88:5.

Penalty for  
neglect of  
selectmen to  
assess, etc.

If the selectmen neglect to assess, assign, or pay over the school money as aforesaid, they shall pay for each neglect a sum equal to that so neglected to be assessed, assigned, or paid over, to be recovered by action of debt, in the P. S. 88:6.



name and for the use of the district by the school board.

Penalty for illegal use or neglect to use on part of school board.

If the money so assigned and paid over to the school board of any district is not expended by them according to law, they shall be fined not exceeding twice the sum so unexpended, or not legally expended, for the use of the district.

P. S. 88:7.

[The school money must not only be legally expended, but it must be *all* legally expended in the maintenance of schools during the school year for which it was appropriated. *School money cannot lawfully be laid up.*]

The district may raise money additional to that required by law.

Any district may raise money for the support of schools in addition to the sum required by law, which shall be assessed, collected and paid over to the district as other school taxes; and all money for the support of public schools, except that provided by section 1 of this chapter, and all moneys for the building, repair or alteration of school-houses, for the improvement of school grounds, and for any other purpose connected with the administration, support, equipment and improvement of the public schools, excepting purposes already provided for by statute, shall be raised only in a lawful meeting of the district.

P. S. 88:8, as amended by 52, laws 1909.

District shall determine salaries of officers.

At its annual meeting each school district shall determine and appoint the salaries of its school board and truant officer or officers, and the district clerk shall certify the same to the selectmen.

22:1, laws 1909.

Selectmen shall assess.

The selectmen shall annually assess upon the polls and ratable estate of the district a sum equal to the amounts determined by the district as prescribed in section 1, and shall pay over the same to the district treasurer.

22:2, laws 1909.

Dog tax.

All moneys arising from the taxation and licensing of dogs, remaining in the treasury of any town or city on the first day of April, annually, which is not due

P. S. 88:14.

to holders of orders given for loss of or damages to domestic animals by dogs, shall be applied to the support of the public schools, and shall be assigned to the districts as other school money.

*B. State School Money.*

Literary fund.

All taxes collected by the state upon the deposits, stock, and attending accumulations of depositors and stockholders of savings banks, trust companies, loan and trust companies, loan and banking companies, building and loan associations, and other similar corporations, who do not reside in this state, or whose residence is unknown, shall be known as the "literary fund."

P. S. 88:9.

Literary fund,  
distribution  
of.

The state treasurer shall assign and distribute, in November of each year, the literary fund among the towns and places in proportion to the number of scholars not less than five years of age who shall, by the last reports of the school boards returned to the superintendent of public instruction, appear to have attended the public schools in such towns and places not less than two weeks within that year.

P. S. 88:10.

No unincorporated place shall receive its portion until a treasurer or school agent shall have been chosen to receive and appropriate the same as required by law.

P. S. 88:11.

Literary fund  
—may be used  
for what.

The portion of the literary fund so received by any town or place shall be assigned to the districts as other school money, and shall be applied to the maintenance of the public schools during the current year; one fifth part thereof may be applied by the school board to the purchase of blackboards, dictionaries, maps, charts, and school apparatus.

P. S. 88:12.

Literary fund  
—penalty for  
misuse of.

If any town or incorporated place or the agent of any unincorporated place shall apply any money so received to

P. S. 88:13.

any other purpose, the town, place, or agent so offending shall refund to the state treasury double the sum so misapplied.

State aid—  
towns to  
receive.

No appropriation of money provided for in sections 2 to 3 inclusive of this act shall be held to apply to towns having an equalized valuation of more than \$7,000 per pupil of average attendance for the year preceding; or whose population by the last published federal census is more than 3,500; or whose schools have been maintained less than an average of thirty weeks for the school year next preceding; or whose tax rate for school purposes is less than \$4.50 on one thousand dollars of equalized valuation; *provided, however*, that the last two clauses shall not be in force until July 15, 1911:—

158:1, laws  
1909.

State aid—  
average at-  
tendance  
basis.

There shall annually in the month of December be apportioned to all towns not excluded by the terms of section 1 and as hereafter provided state money as follows:

158:2, laws  
1909.

I. To all towns having an equalized valuation per pupil of average attendance of less than \$2,000, the sum of \$1.75 per school week for every twenty-five pupils or major part thereof of average attendance for the year next preceding.

II. To all towns having an equalized valuation per pupil of \$2,000 or more and less than \$3,000, \$1.50.

III. To all towns having an equalized valuation per pupil of \$3,000 or more and less than \$4,000, \$1.25.

IV. To all towns having an equalized valuation per pupil of \$4,000 or more and less than \$5,000, \$1.00.

V. To all towns having an equalized valuation of \$5,000 or more and less than \$7,000, per pupil, \$0.75.

State aid—  
qualified  
teacher basis.

When any district shall employ graduates of a New Hampshire Normal school, or of any Normal school in

158:3, laws  
1909.

another state of equivalent grade, or persons holding a permanent New Hampshire state teacher's certificate, it shall receive a further sum of \$2.00 per week for every teacher so employed.

State aid—  
district super-  
vision and  
high school  
tuition.

There shall annually be reserved and set aside from the appropriation provided for by this act such sums as shall be needed for carrying out the provisions of chapter 77, Session Laws of 1899, relating to district supervision, and of chapter 96, Session Laws of 1901, relating to high school tuition.

158:4, laws  
1909.

State aid—  
appropriation  
for.

The sum of \$80,000 annually is hereby appropriated to carry into effect the provisions of this act, and any portion of such appropriation as shall remain unexpended in any year shall remain in the state treasury for use in subsequent years, and if in any year the above appropriation and accumulated surplus shall prove insufficient, then towns having the highest equalized valuation per pupil shall be omitted in order from the distribution provided for in sections 2 and 3.

158:5, laws  
1909.

The sum appropriated by section 5 shall be in place of the annual appropriations of \$25,000 and \$8,000 provided by chapter 77, Laws of 1899, and chapter 96, Laws of 1901, and amendments thereto, respectively, and such appropriations shall be discontinued upon the passage of this act.

158:6, laws  
1909.

All money appropriated by this act shall be expended under the supervision of the governor and council.

158:7, laws  
1909.

Penalty for  
not making  
returns.  
Minimum  
school year.

No town shall receive any benefit under this act nor any portion of the literary fund unless its returns have been made to the superintendent of public instruction, as required by chapter 92, section 13, of the Public Statutes, nor unless its schools have been maintained at least twenty weeks during the school year next preceding.

77:7, laws  
1899.

High school  
tuition rebate.  
See also under  
High Schools.

[Such sum as may be needed] shall be appropriated annually from the state treasury for the payment of tuition in high schools and academies, to be paid by the state treasurer in the month of December of each year to the treasurers of such towns as are entitled, and in such manner as is hereinafter provided, upon a sworn certificate of the superintendent of public instruction of the sums due.

96:3, laws  
1901, as  
amended by  
158:4, laws  
1909.

Towns whose rate of taxation for school purposes in any year is \$3.50 or more on \$1,000, and whose average rate of taxation for all purposes for five years next preceding is \$16.50 or more on \$1,000, shall receive a share of said appropriation as follows:

If the tax rate is from \$16.50 to \$17.49, one tenth of the tuition paid.

If the tax rate is from \$17.50 to \$18.49, two tenths of the tuition paid.

If the tax rate is from \$18.50 to \$19.49, three tenths of the tuition paid.

If the tax rate is from \$19.50 to \$20.49, four tenths of the tuition paid.

If the tax rate is from \$20.50 to \$21.49, five tenths of the tuition paid.

If the tax rate is from \$21.50 to \$22.49, six tenths of the tuition paid.

If the tax rate is from \$22.50 to \$23.49, seven tenths of the tuition paid.

If the tax rate is from \$23.50 to \$24.49, eight tenths of the tuition paid.

If the tax rate is from \$24.50 to \$25.49, nine tenths of the tuition paid.

Over \$25.49, the whole of such tuition.

### *Summary of Sources of Regular School Revenue.*

#### A. Local.

##### 1. Money required by law.



2. Money for statutory requirements.
3. Additional raised by district.
4. Dog tax.
5. Assessment for salaries of officers.
6. In some cases local revenue peculiar to towns or districts in which it appears.

#### B. State.

7. Literary fund.  
State aid covering
8. General distribution.
9. District supervision rebate.
10. High School tuition rebate.

## II.

### SCHOOL DISTRICTS.

Definition of term "district."

Each town shall constitute a single district for school purposes, *provided, however,* that districts organized under special acts of the legislature may retain their present organization, and the word "town" wherever used in the statutes in connection with the government, administration, support, or improvement of the public schools shall be held to mean district.

P. S. 89:1, as amended by 23, laws 1909.

Districts to be corporations.

All districts legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the use of the schools therein, and to make necessary contracts in relation thereto.

P. S. 89:2, as amended by 23, laws 1909.

Districts may raise money other than regular school money for what.

School districts may raise money to procure land for schoolhouse lots, and for the enlargement of existing lots, to build, purchase, rent, repair, or remove schoolhouses and outbuildings, to procure insurance, to plant and care for shade and ornamental trees upon schoolhouse lots, to provide suitable furniture,

P. S. 89:3.

books, maps, charts, apparatus, and conveniences for schools, and to pay debts.

Districts may hire money—for what—how.

School districts may hire money for building or repairing schoolhouses, and procuring and grading lots for the same upon the promissory notes or bonds of the district. If the money is so hired upon the note or notes of the district, said note or notes shall be signed by the district treasurer and by the school board, and if upon the bonds of the district, said bonds shall be issued under and by virtue of, in conformity with, and subject to limitations of chapter 43, Laws of 1895, entitled "The Municipal Bonds Act."

P. S. 89:4, as amended by 138, laws 1909.

District taxes.

In the assessment of school-district taxes, every person shall be taxed in the district in which he lives for his poll and his personal estate subject to taxation in town. Real estate shall be taxed in the district in which it is situated.

P. S. 89:6.

The selectmen may make a new invoice of all the property in the district when necessary for the just assessment of such taxes.

P. S. 89:7.

If such taxes are assessed after the first day of July in any year upon the property of non-residents, the collector shall send to the owners of said property, or to their agents, if known, a bill of their taxes within two months after the delivery of the list to him, and shall, at the expiration of four months after such delivery, advertise and sell the property on which the taxes have not been paid in the same manner as if such taxes had been assessed in April preceding.

P. S. 89:8.

District high school.

Any school district may, by vote or by-law, establish and maintain a high school in which the higher English branches of education and the Latin, Greek, and modern languages may be taught.

P. S. 89:9.



Joint schools  
of two or more  
districts.

Two or more adjoining districts in the same or different towns may make contracts with each other for establishing and maintaining jointly a high or other public school for the benefit of their scholars, and may raise and appropriate money to carry the contracts into effect; and their school boards, acting jointly or otherwise, shall have such authority and perform such duties in relation to schools so maintained as may be provided for in the contracts. P. S. 89:10.

Contract with  
academy or  
other literary  
institution.

Any school district may contract with an academy, seminary, or other literary institution located within its limits or in its immediate vicinity, for furnishing instruction to its scholars; and the school money may be used to carry the contract into effect. P. S. 89:11.

[Contracts made with corporations outside the state are not considered valid, except in the cases specified in the sections below.]

Any school district may make contracts with any academies or high schools or other literary institutions located in the state for furnishing instruction to its scholars; and such school district may raise and appropriate money to carry into effect any contracts in relation thereto. Then every such academy or high school or literary institution shall be deemed a high school maintained by such district, if approved by the superintendent of public instruction in accordance with section 4 of this act. 96:6, laws 1901, as amended by 90, laws 1905.

The school districts in the town of Walpole, Mason, Rollinsford and Conway may make contracts with Bellows Falls, Vt., Townsend, Mass., Berwick Academy, Me., and Fryeburg Academy, Me., respectively, for furnishing instruction to their pupils of high school grade, and may raise and appropriate money to carry such contracts into effect. 122, laws 1907.

Towns bordering on state line may contract with institutions in another state. Entitled to rebate from state under 96, laws 1901.

Any school district in towns bordering on the state line, not having a high school or school of corresponding grade, may make contracts with high schools or academies in towns and cities located out of the state, whenever by reason of distance and transportation facilities such schools outside the state are more accessible to the pupils, and may raise and appropriate money to carry such contracts into effect, *provided, however*, that every such academy or high school shall be approved by the superintendent of public instruction, in accordance with section 4, chapter 96, session Laws of 1901, and acts in amendment thereof and addition thereto.

96:7, laws 1901, as amended by 100, laws 1909.

Any district in a town bordering on the state line not maintaining a high school or school of corresponding grade shall pay for the tuition of any child, who, with parents or guardian resides in said district and who attends a high school or academy located out of the state, whenever by reason of distance and transportation facilities such schools outside the state are more accessible to the pupils, *provided, however*, that every such academy or high school shall be approved by the superintendent of public instruction, in accordance with section 4, chapter 96, session Laws of 1901, and acts in amendment thereof and addition thereto, and the parents or guardian of such child shall notify the school board of the district in which he resides of the high school or academy which he desires to attend, and the approval of the school board shall be necessary in all cases arising under this section.

96:8, laws 1901, as amended by 100, laws 1909.

Towns paying for tuition of scholars in high schools or academies out of the state shall be entitled to share in the annual appropriation of the state for such tuition, and in the literary fund,

96:9, laws 1901, as amended by 100, laws 1909.

- so called, in the same manner as towns paying for the tuition of children attending a high school or academy in the state.
- Admission of scholars from other districts. Each district may determine upon what terms scholars from other districts or towns may be admitted into its schools. If the district neglects to make such determination, the school board may do it. P. S. 89:12.
- Districts situate in two or more towns. Every district situate in two or more towns shall be entitled to its just proportion of school taxes, income of school funds, literary fund, and dog tax in each town, according to the valuation of polls and property taxable therein. P. S. 89:13.
- Dissolution of special district. Any school district organized under a special act of the legislature may, by a majority vote of the qualified voters present and voting at a legal meeting, dissolve its corporate existence and unite with the town district. P. S. 89:14.
- In such case the town district so formed shall forthwith take possession of the schoolhouses, lands, apparatus, and other property owned and used for school purposes by the district so dissolved which the district might lawfully sell or convey. P. S. 89:15.
- The property so taken, and also like property of the district to which the special district is united, shall be appraised by the selectmen of the town, and at the next annual assessment a tax shall be levied upon the whole town district equal to the amount of the whole appraisal; and there shall be remitted to the taxpayers of each district the appraised value of its property. P. S. 89:16.
- If a district so dissolved is formed of parts of two or more towns, an equitable apportionment of its assets and liabilities between such parts shall be made by the selectmen of the towns in which they are situate, acting as a joint board, within sixty days after the dissolution. P. S. 89:17.

If such joint board fail to make an apportionment within the time limited therefor, any taxpayer within the district may apply by petition to a judge of the supreme court for the appointment of a referee to make the apportionment. P. S. 89:18.

The judge shall appoint a time and place of hearing upon the petition, and order notice thereof to be given to all parties interested, and after hearing them he shall appoint a referee. P. S. 89:19.

The notice shall be served by posting copies of the petition and order thereon in at least two public places in each of said parts, and by giving to the clerk of the dissolved district, and the clerk of each town district in which any part thereof is located, like copies ten days at least before the day of hearing. P. S. 89:20.

The referee shall cause notice of his hearing to be given to all parties interested, in the same manner as is provided in the preceding section. He shall hear the parties, make his report in writing, and file a copy thereof with the clerk of the dissolved district and the clerk of each town interested; and the report, so made and filed, shall be final. P. S. 89:21.

Upon receiving a copy of the apportionment, the selectmen shall assess upon that part of the district within their town the amount for which it is charged, and cause the same to be collected and paid to the town district in which the creditor part of the dissolved district is situated. P. S. 89:22.

The town district shall take the property and assets of that part of the dissolved district which is situate in such town district, and the selectmen of the town shall assess and remit taxes with reference to the property so taken, and like property of the town district, the same as in other cases. P. S. 89:23.

The corporate powers of a district shall continue for the purpose of settling up its affairs and of holding, managing, and enjoying any property held by it in trust, notwithstanding its dissolution, but the school board of the district of which it forms a part shall be its agents to expend the income of any such trust property that is devoted to the support of schools. P. S. 89:24.

The school board shall first give to such district or districts such term or character of schooling as would be just and reasonable if no such fund were in existence, and only use the income to lengthen the school or schools, or to carry out the purposes of the trust under which the funds are held. P. S. 89:25.

Any justice of the peace may, upon application of three or more voters, resident within the limits of the dissolved district, call a meeting thereof in the same manner as other school district meetings are called, at which a moderator, clerk, and agents may be chosen, and any other business transacted for the purposes mentioned in section 24 of this chapter. P. S. 89:26.

The records of dissolved school districts whose corporate existence is not continued for any purpose shall be returned by the clerks of such districts to the town clerk's office for preservation with the public records of the town. P. S. 89:27.

Maintenance  
of high  
schools in dis-  
solved special  
districts.

Whenever any school district organized under a special act of the legislature shall vote to abolish such district and to unite with the town district, if said town district shall vote to receive said special district, if said special district has for the five years next preceding such vote maintained a high school, it shall be incumbent on the town district with which it unites to thereafter keep and maintain within the limits of said special district a high school for at 64:1, laws 1891.



least thirty-four weeks in each year, and of equal grade to that which had been previously maintained therein by such special district, said high school to be open to all scholars in the town district, of suitable age and qualifications.

It shall be the duty of said town district to raise and appropriate each year thereafter sufficient money in addition to the school money which the town in which it is situated may raise, to properly maintain such high school, or schools, as may be established under the preceding section.

64:2, laws  
1891.

Any high school hereby established may be discontinued or the location thereof changed, by the supreme court, on petition of the school board of the town district in which it is located, after such notice as the court may order, if it shall appear that the educational interests of the town district require such discontinuance or change.

64:3, laws  
1891.

Annexation of territory situate in one district to another district for school purposes.

Any person interested in severing part of any town therefrom and annexing it to another town, or school district therein, for school purposes, may apply therefor by petition to the selectmen of the town from which it is proposed to sever such territory, and to the selectmen of the town to which it is proposed to annex the same.

72:1, laws  
1893.

It shall be the duty of said selectmen, upon notice to such petitioners and to the school boards of the respective towns and school districts interested in the proposed transfer, to hear the parties, and determine whether the reasonable accommodation of such petitioners or others requires such transfer, and to make return of their findings to the clerks of their respective towns in writing within thirty days.

72:2, laws  
1893.

If a majority of each of said boards of selectmen report in favor of such transfer, they shall sign a certificate of that

72:3, laws  
1893.

fact, describing such territory, and stating that it is annexed to such adjoining town, or district therein for school purposes, which certificate shall be recorded by the town clerk of each town.

Any territory now or hereafter annexed for school purposes to an adjoining town or school district therein, may, upon proceedings such as have been prescribed in the foregoing sections of this act, be restored to the town or district from which it has been severed.

72:4, laws  
1893.

The annexation of territory under this act shall have the same force and validity as if made by a special act of the legislature.

72:5, laws  
1893.

The selectmen and collector of any town to which part of any other town is now or may hereafter be annexed for school purposes shall have the same powers and duties in respect to such annexed territory, of furnishing blank inventories and of assessing and collecting taxes for school purposes, and the inhabitants and owners thereof shall for such purposes be subject to the same liabilities, as if such territory were in the town to which it is or may be annexed.

72:6, laws  
1893.

Section 6 of chapter 72 of the Session Laws of 1893 shall not apply to special districts, but only to town districts, and all special taxes voted by said districts shall be assessed and collected in the same manner as they were assessed and collected prior to the enactment of said chapter 72.

72:6, laws  
1893, as  
amended by  
26, laws 1897.

The selectmen of any town, and the school board of any high school or other special district in the same town, may, upon petition of persons interested, after notice to the school board of the town school district of such town, and after hearing the parties, unite parts of either district to the other, a majority of the board of selectmen and a ma-

72:7, laws  
1893, as  
amended by  
75, laws 1895.



jority of the school board of such special district, and a majority of the school board of the town school district concurring therein, and their decision in writing being recorded on the town records.

*Summary of Chief Powers of District.*

1. May raise money for general school purposes in addition to that required by law.
2. May raise money for buildings and lots.
3. May hire money for schoolhouse construction.
4. May establish high school.
5. May contract with other districts for maintenance of joint schools.
6. May contract with literary institution for furnishing tuition.
7. May determine on what terms pupils from other districts may be admitted to its schools.
8. May locate schoolhouses, fix salaries of school board and truant officers.

*Some Things a District May Not Do.*

1. Transcend any statutory requirement.
2. Fix length of school year.
3. Fix salaries of teachers.
4. Establish and locate or discontinue common schools.

### III.

#### MEETINGS AND OFFICERS OF SCHOOL DISTRICTS.

Time of annual meeting.

A meeting of every school district shall be holden annually between the first day of March and the twentieth

P. S. 90:1.

day of April, inclusive, for the choice of district officers and the transaction of other district business.

Special meeting.

A special meeting of a school district shall be holden whenever, in the opinion of the school board, there is occasion therefor, or whenever ten or more voters, or one sixth of the voters of the district, shall have made written application to the school board therefor, setting forth the subject-matter upon which action is desired.

P. S. 90:2.

No village district or precinct, school district, highway district, fire district or other like subdivision of a town, shall raise or appropriate money at any special meeting of the inhabitants thereof, except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least one half of the number of legal voters of such district at the regular meeting next preceding such special meeting; and if a check-list was used at the last preceding regular meeting, the same shall be used to ascertain the number of legal voters in said district; and such check-list, corrected according to law, may be used at such special meeting upon request of ten legal voters of the district.

121, laws  
1907.

Place of meeting.

School-district meetings may be held at the usual place where town meetings of the town are held, or at such other suitable place as in the opinion of the officers calling the meeting will best accommodate the voters.

P. S. 90:3.

Warrant for meeting.

They shall be warned by the school board, or, in cases authorized by law, by a justice of the peace, by a warrant addressed to the inhabitants of the district qualified to vote in district affairs, stating the time and place of the meeting and the subject-matter of the business to be acted upon.

P. S. 90:4.

The officers issuing a warrant for a district meeting shall insert therein any subject-matter for which application has been made to them in writing by ten or more voters, or by one sixth of the voters of the district. P. S. 90:5.

The school board or justice issuing a warrant shall cause an attested copy of it to be posted at the place of meeting, and a like copy at one other public place in the district, fourteen days before the day of meeting. P. S. 90:6.

If the school board does not cause a warrant for the annual meeting to be posted on or before the second Tuesday of March, in any year, or for a special meeting within ten days after application therefor is made to them, a justice of the peace, upon application of ten or more voters, or of one sixth of the voters of the district, may issue such warrant and cause it to be posted. P. S. 90:7.

The warrant, with a certificate thereon, verified by oath, stating the time and places when and where copies of it were posted, shall be given to the clerk of the district at or before the time of the meeting, and shall be recorded by him in the records of the district. P. S. 90:8.

Qualification  
for voting.

Any person, whether male or female, but in all other respects except sex qualified to vote in town affairs, may vote at school-district meetings in the district in which such person has resided and had home three months next preceding the meeting. P. S. 90:9.

Check-list at  
school meet-  
ings.

Upon petition of ten legal voters of any district, presented in January, or if the district at its annual meeting shall have voted that a check-list be used at future meetings, the school board shall make, post, and correct a list of the legal voters in the district, as supervisors are required to do in regard to the list of voters in their P. S. 90:10.

towns; and such list shall be used and checked, at the election of officers and otherwise, at the annual meeting of the district, as in case of town meetings.

[Section 10 was amended by chapter 97, laws 1895, as follows:

That section 10 of chapter 90 of the Public Statutes shall not be applicable to any special school district in this state, unless a petition for a check-list shall be signed by five per cent. of the legal voters of the district.]

Penalty for illegal voting.

If any person under the age of twenty-one years, or any alien not naturalized, or any person who has not resided and had his home in the district for three months and in the town for six months preceding, shall vote in any district meeting, or if any person shall give in more than one vote for any officer voted for at the meeting, or if any person, being under examination before the school board as to his qualifications as a voter, shall give any false name or answer, he shall be fined not exceeding thirty dollars, or be imprisoned not exceeding three months.

P. S. 90:11.

Officers.

The officers of every school district for which the law does not otherwise provide shall be a moderator, a clerk, a school board of three persons, a treasurer, and one or more auditors, and such other officers and agents as the voters may judge necessary for managing the district affairs.

P. S. 90:12.

While any district maintains a high school or unites with another district in maintaining one, it may have a school board consisting of three, six or nine members, as it shall determine by vote or by-law. Whenever it ceases to maintain or to unite in maintaining a high school, it shall thereafterwards elect only one member to the school board each year to fill vacancies occurring from expiration of term of service, so

P. S. 90:13.

that the board will decrease in numbers, year by year, until it shall be composed of only three members.

Eligibility to office.

No person shall be eligible to any school-district office unless he is a voter in the district. No person holding office as a member of a school board shall at the same time act as district treasurer or auditor, nor shall any member of a school board be employed as a teacher in his district.

P. S. 90:14.  
20, laws 1909.

Manner of election.

The moderator shall be chosen by ballot, by a plurality vote; the clerk, school board, and treasurer shall be chosen by ballot, by a majority vote. The moderator, clerk, and school board shall be sworn.

P. S. 90:15,  
as amended  
by 69, laws  
1897.

Term of officers.

One third of the members of the school board shall be chosen each year to hold office for three years, and until their successors are chosen and qualified, and vacancies in the board shall be filled so as to preserve such succession in office. All other officers shall be chosen annually, and shall hold office for one year, and until their successors are chosen and qualified.

P. S. 90:16.

Moderator.

The moderator shall have the like power and duty as a moderator of a town meeting to conduct the business and to preserve order, and may administer oaths to district officers and in the district business. In case of a vacancy or absence, a moderator *pro tempore* may be chosen.

P. S. 90:17.

Clerk.

The clerk shall keep a true record of all the doings of each meeting; shall deliver to the selectmen of the town an attested copy of every vote to raise money within ten days after the meeting; shall make an attested copy of any record of the district for any person upon request and tender of legal fees therefor; shall act as moderator of any meeting until a moderator *pro tempore* shall be chosen, if the moderator is

P. S. 90:18.



absent or the office has become vacant; and shall have the same power to administer oaths which the moderator has. If the clerk is absent at any meeting, a clerk *pro tempore* shall be chosen.

The clerk of every school district shall, forthwith, after the election from time to time of members of the school board, report in writing their names and post-office addresses to the town clerk of the town; and if he fails to do so, he shall be fined twenty dollars, one half for the use of the complainant and the other half for the use of the town. P. S. 90:19.

Treasurer.

The treasurer shall, before entering upon the duties of his office, give a bond with sufficient sureties to the district, to the acceptance of the school board, for the faithful performance of his official duties. P. S. 90:20.

The treasurer shall have the custody of all moneys belonging to the district, and shall pay out the same only upon orders of the school board. He shall keep a fair and correct account of all sums received into and paid from the district treasury. At the close of each fiscal year he shall make a report to the district, giving a particular account of all receipts and payments during the year. He shall furnish to the school board statements from his books, and submit his books and vouchers to them and to the district auditors for examination, whenever so requested. P. S. 90:21.

Auditors.

The auditors shall carefully examine the accounts of the treasurer and school board at the close of each fiscal year, and at other times whenever necessary, and report to the district whether the same are correctly cast and well vouched. P. S. 90:22.

Filling of vacancies.

The school board shall fill vacancies occurring on the board, and in other district offices except that of moderator, until the next annual meeting of the P. S. 90:23.

district. In case of vacancy of the entire membership of the board, or the remaining members are unable to agree upon an appointment, the selectmen, upon application of one or more voters in the district shall fill the vacancies so existing until the next annual meeting of the district.

District may require election or appointment of superintendent.

A school district may require the school board to elect or appoint a superintendent of schools, who shall hold office for such term, be vested with such of the powers and charged with such of the duties of the school board, and be entitled to such compensation as it may provide; and such district may raise and appropriate money to pay the compensation.

P. S. 90:24,  
as amended  
by 48, laws  
1895.

Evening schools.

Upon petition of five per cent. of the legal voters of any city or town having more than five thousand inhabitants, according to the latest United States census, said city or town shall establish and maintain, in addition to the schools required by the law to be maintained therein, evening schools for the instruction of persons over fourteen years of age in such branches of learning and art as the school board shall deem expedient.

112:1, laws  
1901.

The school board of such cities and towns shall have the same superintendence over such evening schools as they have over other schools, and may determine the term or terms of time in each year and the hours of the evening during which such schools shall be kept, and may make such regulations as to attendance at such schools as they may deem expedient.

112:2, laws  
1901.

Nothing contained in this act shall exempt any person from the requirements of chapter 93 of the Public Statutes.

112:3, laws  
1901.



## IV.

## SCHOOLHOUSES AND GROUNDS.

- |                                   |  |             |
|-----------------------------------|--|-------------|
| Location.                         | The district may decide upon the location of its schoolhouses, by vote or by a committee appointed for the purpose.  | P. S. 91:1. |
| Power of building committee.      | No committee shall have power to bind the district beyond the amount of money voted by it, and the district shall not be bound by any act, as a ratification of the doings of such committee, beyond their authority, unless by express vote of the district.  | P. S. 91:2. |
| Grievance on account of location. | If ten or more voters of a district are aggrieved by the location of a schoolhouse by the district or its committee, they may apply by petition to the school board, who shall hear the parties interested and determine the location.   | P. S. 91:3. |
| School board may locate—when.     | If the district does not agree upon a location for a schoolhouse or upon a committee to locate the same, or if the same is not located by such committee within thirty days after its appointment, the school board, upon petition of ten or more voters, shall determine the location.  | P. S. 91:4. |
| Appeal.                           | If ten or more voters of a school district are aggrieved by the location of a schoolhouse by the district or its committee, or by the school board, they may apply by petition to the county commissioners within ten days after the making of the location, who shall hear the parties interested and determine the location.     | P. S. 91:5. |
| Hearing on appeal.                | The chairman of the county commissioners shall appoint a time and place within the district for a hearing upon every such petition; and shall give notice thereof by causing attested copies of the petition and order of notice to be posted at two or more public places within the district and to be given in hand to, or left | P. S. 91:6. |

at the abode of, the clerk of the district and of one of the school board, fourteen days before the day of hearing.

In such cases, vacancies in the board of commissioners arising from disqualification of members or otherwise shall be filled in the same manner as like vacancies are filled in highway cases referred to them. P. S. 91:7.

The hearing shall be closed within sixty days. The commissioners shall hear all parties interested who desire to be heard, and shall make their decision in writing and file it with the clerk of the district. P. S. 91:8.

The district shall take no steps to carry into effect a former location while any subsequent proceedings authorized by law for a change thereof are pending. P. S. 91:9.

Compensation  
of commis-  
sioners.

The commissioners shall be paid by the district for their services the same fees as in highway cases. Districts are authorized to raise money for that purpose. P. S. 91:10.

Term of loca-  
tion.

The location of schoolhouses, however made, shall be conclusive for the term of five years, unless an appeal therefrom shall be prosecuted as provided in this chapter. P. S. 91:11.

Enlargement  
of school-  
house lot.

The school board or county commissioners may enlarge any existing school-house lot so that it shall contain not exceeding one acre, upon such petition to them and proceedings thereon as are required to authorize them to determine the location for a schoolhouse. P. S. 91:12.

Appraisal for  
land damages.

If any school district shall neglect or refuse to procure the lot of land selected for the location of a schoolhouse or for the enlargement of an existing school-house lot, as provided in this chapter, or if the owner of the land shall refuse to sell the same to the district for a reasonable price, the selectmen, upon petition to them by the school board, or by three or more voters of the district, P. S. 91:13.

shall appraise the damages occasioned to the land owner by the taking of his land. The appraisal shall be made in writing, and be filed with the clerk of the district.

Appeal from  
appraisal.

Any land owner aggrieved by such appraisal of his damages may appeal therefrom to the supreme court by petition within sixty days after the appraisal is filed with the clerk of the district; and the procedure and remedies upon such appeal shall be the same as in appeals from the assessment of damages by selectmen in highway cases, except that service of papers shall be made upon the clerk of the district and one of the school board, instead of the town clerk and one of the selectmen, and except as provided in the following section.

P. S. 91:14.

Possession.

Upon payment or tender of the damages awarded, the land shall vest in the district, and it may take possession of it. Such payment or tender may be made in accordance with the award of the selectmen before an appeal is taken, or while an appeal is pending, and shall have like effect. In such case, if the damages are increased upon appeal the land owner shall have judgment for the excess; if decreased, the district shall have judgment for the amount of the decrease. If the result of the appeal is to change the award of damages in favor of the land owner, he shall recover costs; otherwise, he shall pay costs.

P. S. 91:15.

Selectmen  
may build, re-  
move, etc.—  
when.

If a district shall refuse or neglect to build, repair, remove, or fit up a schoolhouse, or shall refuse or neglect to build a schoolhouse upon or to remove it to the lot designated as aforesaid, the selectmen, upon petition of three or more voters of the district, after hearing the parties, may assess upon the district and collect such sums of money as may be necessary, and therewith

P. S. 91:16.

cause such schoolhouse to be built, removed, repaired, or fitted up.

Schools shall be kept—where.

The schools of a district shall be kept in its schoolhouses, if it has suitable houses that will accommodate the scholars; if not, the school board shall provide suitable accommodations for the schools at the expense of the district. P. S. 91:17.

Use of schoolhouses for other purposes.

A school district or a school board thereof may grant the use of any schoolhouse in the district for a writing or singing school, and for religious and other meetings, whenever such use will not conflict with any regular school exercise. The person so using a schoolhouse shall be liable for any damages to the same and to the property therein. P. S. 91:18.

Selection and purchase of lots in cities.

The school board of cities shall have sole power to select and purchase land for schoolhouse lots. When said board has secured, by vote of the city councils, an adequate appropriation for the purchase of a specified lot at a specified price, then said board may make the purchase. 65:1, laws 1897.

Building, etc., in cities.

No schoolhouse shall be erected, altered, remodeled, or changed in any city school district, unless the plans thereof have been previously submitted to the school board of that district and received its approval, and all new schoolhouses shall be constructed under the direction of a joint special committee, chosen in equal numbers by the city councils and the school board. 65:2, laws 1897.

Upon the completion of a new schoolhouse, the city councils shall, by vote, transfer it to the care and control of the school board. Whenever a schoolhouse shall no longer be needed for public school purposes, the school board shall re-transfer its care and control to the city. 65:3, laws 1897.

The provisions of the three preceding sections shall not apply to the Union School District of Concord, or to the 65:4, laws 1897.

Union School District in the city of Keene.

Shade trees,  
etc.

Whenever any party, at a proper time of the year, shall present to the selectmen of any town or ward, well-grown nursery trees of the nut, shade, or ornamental varieties, such selectmen may set out said trees in the highways, cemeteries, commons, schoolhouse yards, and other public places, as indicated by the donor of said trees, and protect the same at the expense of the town.

44:1, laws  
1897.

Nothing in this act shall be construed to compel any party to have trees set in the highway on the side next his land without his consent.

44:2, laws  
1897.

Doors to open  
outwards.

The outer doors and doors of passages leading outward, of churches hereafter built or rebuilt, school houses containing more than two school rooms, and halls and other buildings used for public gatherings, shall open outward; and it shall be the duty of the selectmen of towns to see that these provisions are complied with, and to prosecute persons who neglect to do so.

108, laws  
1909.

Fire-escapes  
on school-  
houses.

No building three or more stories in height, any part of which is used or occupied above the second story as a hotel, transient lodging house, schoolhouse, orphan asylum, theatre, hall for public assembly or factory shall be let, leased or occupied for such purposes unless provided with a steel or wrought iron ladder or stairway fire-escape attached to the outer wall and with platforms of like material of such size, shape and nearness to one or more windows of each story above the first or ground floor as to render access thereto easy and safe. If said building be of a length greater than one hundred and fifty feet it shall be provided with one additional such fire-escape for every additional one hundred and fifty feet or fractional part thereof. Provided that

164:1, laws  
1909.



any other metal fire-escape may be so attached if approved by the building inspector, chief of the fire department or board of selectmen. The provisions of this section shall not apply to any such factory building which shall be adequately equipped with fire proof stairways, or other means of exit, duly approved in writing by said officers. Such fire-escapes shall reach within eight feet of the ground and the location of the exits thereto shall be designated by red lights during such hours of the night as the building is occupied for the purposes designated in section 1 of this act. If any person shall violate any of the provisions of this act, he shall be fined not exceeding five hundred dollars or imprisoned not exceeding six months, or both, and it shall be the duty of said officers to enforce the provisions of this act.

164:2, laws  
1909.

164:3, laws  
1909.

Barbed wire  
fences near  
schoolhouses.

If any owner or occupant of land adjoining land occupied by a school district for school purposes erects, keeps or maintains any barbed wire fence to separate or divide such lands, he shall be fined not exceeding twenty-five dollars.

P. S. 143:31.

The selectmen or school board shall prosecute at the expense of the town or district, as the case may be, any violations of the preceding section.

P. S. 143:32.

Nuisance in  
vicinity of  
schoolhouse.

If any person shall use or occupy a building or place near a dwelling-house or schoolhouse, or in the compact part of a town, for a slaughter-house, a place of deposit of green pelts or skins, or for trying tallow, currying leather, or carrying on any other business that is offensive to the public, without the written permission of the health officers of the town, he shall forfeit ten dollars for each month such building or place shall be so used or occupied, to be recovered for the use of the town.

P. S. 108:15.

Saloons and  
schoolhouses.

No license shall be granted for the traffic in liquor in any building which shall be on the same street or avenue within two hundred feet of a building occupied exclusively as a church or schoolhouse, the measurements to be taken in a straight line from the center of the nearest entrance to the building used for such church or school, to the center of the nearest entrance to the place in which the traffic in liquor is desired to be carried on, or in any location where the traffic shall be deemed by said board of license commissioners detrimental to the public welfare, *provided*, that this restriction shall not apply to hotels or drug stores used as such on the first day of January, 1903.

95:9, laws  
1903.

## V.

### SCHOOL BOARDS, TEACHERS AND TRUANT OFFICERS.

Provision of  
schools.

The school board of every district shall provide schools at such places within the district and at such times in each year as will best subserve the interests of education, and will give to all scholars of the district as nearly equal advantages as may be practicable. They may use a portion of the school money, not exceeding twenty-five per cent., for the purpose of conveying scholars to and from the schools.

P. S. 92:1.

Conveyance  
of scholars.

Hiring of  
teachers.

The school board shall select and hire suitable and competent teachers holding certificates as provided by law, shall provide necessary fuel, and shall make such occasional repairs of the schoolhouses and furniture as may be necessary, not exceeding in cost five per cent. of the school money.

P. S. 92:2,  
as amended  
by 50, laws of  
1895.

Repairs.

[Certificates provided by law and those required to be issued by the local school board good in the district in



which they are issued, and those issued by the superintendent of public instruction, good anywhere in the state.]

Dismissal of teachers.

They may dismiss any teacher found by them to be immoral or incompetent or who shall not conform to regulations prescribed; *provided, however*, that no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, and provided further that no teacher shall be so dismissed without having previously been granted a full and fair hearing.

P. S. 92:3, as amended by 59, laws 1905.

Teacher's right to hearing.

The district shall be liable in the action of contract to any teacher dismissed in violation of the provisions of the preceding section to the extent of the full salary for the period for which such teacher was engaged.

P. S. 92:4, as amended by 59, laws 1905.

Power of board to prescribe regulations.

The school board may prescribe regulations for the attendance upon, and for the management, studies, classification, and discipline of the schools; and such regulations, when recorded by the district clerk, and a copy thereof has been given to the teachers and read in the schools shall be binding upon scholars and teachers.

Studies to be prescribed.

They shall prescribe in all mixed schools and in all graded schools above primary, the studies of physiology and hygiene, having special reference to the effects of alcoholic stimulants and of narcotics upon the human system, and shall see that the studies so prescribed are thoroughly taught in said schools and that well approved text-books upon these subjects are furnished to teachers and scholars, and shall see that a well prescribed reading course dealing with the principle of the humane treatment of the lower animals shall be included in the ordinary instruction in reading or otherwise, and that the constitution of

P. S. 92:6, as amended by 40, laws 1895; 31, laws 1903; 49, laws 1909.

Examination  
of teachers.—  
See also be-  
low.

the United States and of the state of New Hampshire be read aloud by the scholars at least once during the last year of the course below the high school, and may permit or prescribe the study of algebra, geometry, surveying, book-keeping, philosophy, chemistry, and natural history, or any of them, and other suitable studies. School boards shall, annually, in the month of June or July, and at such other times as they deem best, hold an examination of candidates for certificates of qualification to teach in the public schools. Candidates shall be examined in the studies prescribed by law, or by the school board in accordance with law. Such candidates as pass an examination satisfactory to the school board, and present satisfactory evidence of good moral character and capacity for government, shall receive certificates of qualifications signed by the school board, to continue in force not more than one year from the date thereof.

Free text-  
books.

They shall purchase, at the expense of the city or town in which the district is situated, text-books and other supplies required for use in the public schools; and shall loan the same to the pupils of such schools free of charge, subject to such regulations for their care and custody as the school board may prescribe. They shall make provision for the sale of such books at cost to pupils of the school wishing to purchase them for their own use.

[Text-books and supplies cannot legally be paid for out of school money. They are statutory requirements and the selectmen must assess enough, in addition to money required by law and otherwise voted by the district, to cover the requirements of the scholars. It is the duty of the school board to purchase text-books and supplies, approve the

P. S. 92:7, as  
amended by  
laws 1895.

bills and send the same to the district treasurer to be paid out of the money assessed by the selectmen for that purpose. If no money has been assessed, the district is liable to a suit at law by the party selling the books or supplies.]

They shall purchase and display U. S. flag.

They shall purchase at the expense of the city or town in which the district is situated, a United States flag of bunting not less than five feet in length with a flagstaff and appliances for displaying the same, for every schoolhouse in the district in which a public school is taught not otherwise supplied. They shall prescribe rules and regulations for the proper custody, care, and display of the flag; and whenever not otherwise displayed, it shall be placed conspicuously in the principal room of the schoolhouse. Any members of a school board who shall refuse or neglect to comply with the provisions of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense.

P. S. 92:8, as amended by 50, laws 1895, and 39, laws 1903.

Not more than ten dollars shall be expended for the flag, flagstaff, and appliances for any one schoolhouse, and the school board shall have the same control over its preservation and display that it has over the other district property.

[See remarks on text-books and supplies. The same ruling applies.]

Certain books shall not be used.

No book shall be introduced into the public schools calculated to favor any particular religious sect or political party.

P. S. 92:9, as amended by 50, laws 1895.

Patriotic exercises.

In all the public schools of the state one session during the week in which Memorial Day falls, or a portion thereof, shall be devoted to exercises of a patriotic nature.

14, laws 1897.

Holidays.

Thanksgiving Day and Fast Day, whenever appointed, Labor Day, the twenty-second day of February, the thirtieth day of May, the fourth day of

11, laws 1899, as amended by 7, laws 1907, and 96, laws 1909.

July, the first day of January, and Christmas day shall be legal holidays, and when either of the last five days mentioned occurs on Sunday, the following day shall be observed as a holiday.

Registers to  
be furnished.

They shall furnish to every teacher one of the blank registers provided by the superintendent of public instruction, and shall visit and examine each school in their district at least twice in each term, once near the beginning and once near the close thereof.

P. S. 92:10.

Teachers  
shall keep  
registers.

Every teacher shall make the entries in the register required by the superintendent of public instruction, and at the close of the term shall return the register to the school board. Twenty dollars of the wages of every teacher shall be withheld until he has made such return.

P. S. 92:11.

Reports to be  
filed with se-  
lectmen.

School boards shall file with the selectmen on or before the first day of August, in each year, their reports to their respective districts, stating the number of weeks the public schools have been kept in their districts in summer and winter, and what portion by male and what by female teachers; the number of teachers employed during the year, reckoning successive teachers employed in the same school as one teacher; the number of days attendance of all the pupils of the district, inclusive of days spent by teachers of the schools of said district in attendance upon teachers' institutes as provided by law and days spent in attendance upon the annual meeting of the state teachers' association, and the average attendance of pupils during the remainder of the term shall be considered as the attendance of the pupils during such days; the number of scholars who have attended each school; the number who have attended to each study; the number of scholars of their districts not less than five years of age who have attended the public schools in

P. S. 92:12,  
as amended  
by 50, laws  
1895.



their district not less than two weeks during the year; and containing such suggestions relative to the schools as they may think useful. School boards of town districts shall also include in their reports a statement of the number of children of each sex reported by the truant officer or agents of the school board; the number of each sex between the ages of five and sixteen years who have not attended school; the number of scholars not less than five years of age who have attended the district schools in the town not less than two weeks during the year, and the number of persons in each district between the ages of fourteen and twenty-one years who cannot read and write.

Reports to be made to superintendent of public instruction.

School boards shall on or before the fifteenth day of July in each year, send to the superintendent of public instruction copies of their annual reports and answers to the questions proposed by him, relating to the schools in their district; the school year shall begin with the fall term.

P. S. 92:13, as amended by 50, laws 1895, and 5, laws 1903.

Penalty for refusal or neglect.

Any member of a school board who shall neglect or refuse to comply with the provisions of the preceding section shall be fined not exceeding fifty dollars.

P. S. 92:14.

Penalty for neglect of duty.

If any public officer willfully neglects any duty of his office, and no penalty is prescribed by statute for such neglect, he shall forfeit a sum not exceeding thirty dollars.

P. S. 255:14.

Boards to appoint truant officers.

School boards shall appoint truant officers for their districts.

P. S. 92:15, as amended by 70, laws 1899.

Truant officers shall hold office for one year, and until their successors shall be appointed, but they may be removed by the school board at any time for cause.

P. S. 92:16.

District shall fix salaries of certain officers.

At its annual meeting each school district shall determine and appoint the salaries of its school board and truant officer or officers, and the district clerk

22:1, laws 1909.



Selectmen  
shall assess.

shall certify the same to the selectmen.

The selectmen shall annually assess upon the polls and ratable estate of the district a sum equal to the amounts determined by the district as prescribed in section 1 and shall pay over the same to the district treasurer.

22:2, laws  
1909.

The district treasurer shall pay to the school board the salaries aforesaid and he shall likewise pay the truant officer upon the order of the school board, they certifying that he has performed the duties required of him by law.

22:3, laws  
1909.

[Truant officers cannot legally be paid out of school money.]

Duties of truant officers.

Truant officers shall, under the direction of the school board, enforce the laws and regulations relating to truants and children between the ages of eight and sixteen years not attending school, and without any regular and lawful occupation; and the laws relating to the attendance at school of children between the ages of eight and sixteen years.

P. S. 92:17,  
as amended  
by 70, laws  
1899.

Truant officers shall, if required by the school board, enforce the laws prohibiting the employment of children in manufacturing, mechanical, or mercantile establishments, who have not attended school the prescribed time; and for this purpose they may, when so authorized and required by vote of the school board, visit the manufacturing, mechanical, and mercantile establishments in their respective cities and towns, and ascertain whether any children under the age of sixteen are employed therein contrary to the provisions of law, and they shall report any cases of such illegal employment to the school board; and the truant officers, when authorized as aforesaid, may demand the names of all children under sixteen years of age employed in such manufacturing, mechanical, and mercantile establishments, and may require

P. S. 92:18,  
as amended  
by 70, laws  
1899.

that the certificates and lists of such children provided for by law shall be produced for their inspection. Truant officers shall inquire into the employment, otherwise than in such manufacturing, mechanical, and mercantile establishments, of children under the age of sixteen years, during the hours when the public schools are in session, and may require that the certificates of all children under sixteen shall be produced for their inspection; and any such officer may bring a prosecution against a person or corporation employing any such child, otherwise than as aforesaid, during the hours when the public schools are in session, contrary to the provisions of law.

A refusal or failure on the part of an employer of children under sixteen years of age to produce the certificate required by law, when requested by a truant officer, shall be *prima facie* evidence of the illegal employment of the child whose certificate is not produced.

Truant officers shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children or violating the laws relating to the compulsory attendance at school of children between the ages of six and sixteen years.

Enumeration  
of children.

Truant officers or agents appointed by school boards of cities and towns shall annually, in the month of September, make an enumeration of the children of each sex, between the ages of five and sixteen years, in their town or city, giving such items in regard to each child as may be required by the school board or the state superintendent of public instruction, and shall make a report to the school board thereof within fifteen days after the completion.

46, laws 1895,  
as amended  
by 91, laws  
1905.

Section 14, chapter 43, Public Statutes, and any other acts inconsistent with this act are hereby repealed. 46:2, laws 1895.

At its annual meeting each school district shall determine and appoint the salaries of its school board and truant officer or officers, and the district clerk shall certify the same to the selectmen.

Compensation  
of school  
board.

The selectmen shall annually assess upon the polls and ratable estate of the district a sum equal to amounts determined by the district as prescribed in section 1 and shall pay over the same to the district treasurer.

22, laws 1909.

The district treasurer shall pay to the school board the salaries aforesaid and he shall likewise pay the truant officer upon the order of the school board, they certifying that he has performed the duties required of him by law.

[Salaries of school boards cannot legally be paid out of school money.]

School day  
and week.

In the absence of express contract, a session of three hours in the forenoon and three hours in the afternoon shall constitute a school day, five such days a school week, and four such weeks a school month, in the public schools.

P. S. 92:20.

Teachers may  
attend institutes.

Teachers of public schools may attend teachers' institutes held within the state, as provided by law, not exceeding one day in any term, and the time so spent shall be regarded as spent in the service of the district.

P. S. 92:21,  
as amended  
by 29, laws  
1903, and 28,  
laws 1909.

Evening  
schools.

Upon petition of five per cent. of the legal voters of any city or town having more than five thousand inhabitants, according to the latest United States census, said city or town shall establish and maintain, in addition to the schools required by law to be maintained therein, evening schools for the instruction of persons over fourteen years of age in such branches of learning and art as the school board shall deem expedient.

112:1, laws  
1901.

Boards to  
superintend  
evening  
schools.

The school board of such cities and towns shall have the same superintendence over such evening schools as they have over other schools, and may determine the term or terms of time in each year and the hours of the evening during which such schools shall be kept, and may make such regulations as to attendance at such schools as they may deem expedient.

112:2, laws  
1901.

Nothing contained in this act shall exempt any person from the requirements of chapter 93 of the Public Statutes.

112:3, laws  
1901.

Examination  
and certifica-  
tion of teach-  
ers by super-  
intendent of  
public in-  
struction.

The superintendent of public instruction shall cause to be held, at such convenient times and places as he may from time to time designate, public examinations of candidates for the position of teacher in the public schools of the state. Such examinations shall test the professional as well as the scholastic abilities of candidates, and shall be conducted by such persons and in such manner as the superintendent of public instruction may from time to time designate. Due notice of the time, place, and other conditions of the examinations shall be given in such public manner as the superintendent of public instruction may determine.

49:1, laws  
1895.

A certificate of qualifications shall be given to all candidates who pass satisfactory examinations in such branches as are required by law to be taught, and who in other respects fulfill the requirements of the superintendent; such certificate shall be either probationary, or permanent, and shall indicate the grade of school for which the person named in the certificate is qualified to teach.

49:2, laws  
1895.

A list of approved candidates shall be kept in the office of the department of public instruction and copies of the same, with such information as may be desired.

49:3, laws  
1895.



shall be sent to school committees upon their request.

The certificates issued under the provisions of this act shall be accepted by school committees in lieu of the personal examination required by section 6 of chapter 92 of the Public Statutes.

49:4, laws  
1895, as  
amended by  
12, laws 1899.

A sum not exceeding three hundred dollars may be annually expended from the income of institute fund for the necessary and contingent expenses of carrying out the provisions of this act.

49:5, laws  
1895.

## VI.

### SCHOLARS.

None shall attend without consent of board.

No person shall attend school, or send a scholar to the school, in any district of which he is not an inhabitant, without the consent of the district or of the school board.

P. S. 93:1.

Vaccination.

No child shall attend any public, parochial, or private school unless he has been vaccinated or has had the small-pox, and this section shall be enforced by the board of health, except in the case of a child who has submitted to the process of vaccination not less than three times or who holds the certificate of the local board of health that he is an unfit subject for vaccination. Said board of health shall issue such certificate upon the advice of a registered physician approved by said board of health.

P. S. 93:2, as  
amended by  
19, laws 1901,  
and 90, laws  
1909.

Infectious diseases.

No parent or guardian, person or persons having the custody of any child, shall permit such child, if infected with any communicable disease, or has been exposed to such, to attend any public or private school.

16:7, laws  
1901.

Penalty.

Any person who knowingly violates any provision of this chapter, or any regulation established by authority of this chapter, shall be punished by a fine of ten dollars for each offense.

16:9, laws  
1901.



Dismissal for misconduct.

Any scholar may be dismissed from school by the school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school; and he shall not attend the school until restored by the school board.

P. S. 93:3.

Scholars shall attend where assigned.

No scholar who shall have been assigned to a particular school by the school board shall attend any other school in the district until assigned thereto.

P. S. 93:4.

Penalty.

If any scholar, after notice, shall attend or visit a school which he has no right to attend, or shall interrupt or disturb the same, he shall be fined for the first offense five dollars, and for any subsequent offense ten dollars, or be imprisoned not exceeding thirty days.

P. S. 93:5.

District by-laws concerning truants.

Districts may make by-laws, not repugnant to law, concerning habitual truants and children between the ages of six and sixteen years not attending school and not having a regular and lawful occupation, and to compel the attendance of such children at school, and may annex penalties for the breach thereof not exceeding ten dollars for each offense.

P. S. 93:6.

[The department will furnish an article drawn by the attorney-general for insertion in the school warrant upon application.]

Offense against by-laws.

Any offender against such by-laws, upon conviction, may be sentenced to pay a fine and to be committed to the Industrial School until it is paid or he is otherwise discharged, or he may be sentenced to the Industrial school for a term not exceeding one year.

P. S. 93:7.

The court or justice imposing a fine upon any such offender may remit it upon proof that he is unable to pay it, and has no parent, guardian, or person chargeable with his support, able to pay it, and may discharge him from the In-

P. S. 93:8.

dustrial School if he has been committed there for non-payment thereof.

Any such offender so convicted may give bond to the district in the penal sum of twenty-five dollars, with sufficient sureties, approved by the court or justice before whom he was convicted, conditioned to attend regularly some school kept in the district for one term next ensuing, to comply with the regulations thereof, and to be obedient and respectful to the teacher; and his fine may thereupon be remitted by such court or justice upon payment of the costs. P. S. 93:9.

Employment  
of children.

No child under the age of twelve years shall be employed in any manufacturing establishment. No child under the age of fourteen years shall be employed in any manufacturing establishment, nor in any mechanical, mercantile, or other employment during the time in which the public schools are in session in the district in which he resides. P. S. 93:10, as amended by 61, laws 1901.

Children un-  
der twelve.

Children un-  
der sixteen  
may be em-  
ployed—  
when.

No child under the age of sixteen years shall be employed in any manufacturing establishment, or in any mechanical, mercantile, or other employment, during the time in which the public schools are in session in the district in which he resides, without first presenting a statement of his age from his parent or guardian, sworn to before the superintendent of schools, or, if there is no superintendent of schools, before some person authorized by the school board of the district in which such child is employed. P. S. 93:11, as amended by 61, laws 1901.

And no child under the age of sixteen years shall be employed as aforesaid during the time in which the public schools are in session in the district in which he resides without first presenting a certificate from the superintendent of schools, or, if there is no superintendent of schools, some person

authorized by the school board, that such child can read at sight and write legibly simple sentences in the English language. And any superintendent of schools or person authorized by the school board who certifies falsely as to matters prescribed by this section shall be fined not less than twenty nor more than fifty dollars for each offense.

Employment  
of minors.

No minor shall be employed in any manufacturing establishment, or in any mechanical, mercantile, or other employment, who cannot read at sight and write legibly simple sentences in the English language, while a free public evening school is maintained in the district in which he resides, unless he is a regular attendant at such evening school or at a day school; *provided*, that upon presentation by such minor of a certificate signed by a regular practicing physician, and satisfactory to the superintendent of schools, or, where there is no superintendent of schools, the school board, showing that the physical condition of such minor would render such attendance in addition to daily labor prejudicial to his health, said superintendent of schools or school board shall issue a permit authorizing the employment of such minor for such period as said superintendent of schools or school board may determine. Said superintendent of schools or school board, or teachers acting under authority thereof, may excuse any absence from such evening school arising from justifiable cause. Any parent, guardian, or custodian who permits to be employed any minor under his control in violation of the provisions of this section shall forfeit not more than twenty dollars for the use of the evening schools of such town or city.

P. S. 93:12,  
as amended  
by 61, laws  
1901.

Penalty for il-  
legal employ-  
ment.

If any owner, agent, superintendent, or overseer of a manufacturing, mechanical, or mercantile establishment

P. S. 93:13,  
as amended  
by 61, laws  
1901.

or any other person shall employ any child in violation of the provisions of either of the three preceding sections, he shall be fined not exceeding fifty dollars for each offense, for the use of the district.

Persons having custody of children must cause them to attend school.

Every person having the custody and control of a child between the ages of eight and fourteen years, or of a child under the age of sixteen years, who cannot read at sight and write legible, simple sentences in the English language, residing in a school district in which a public school is annually taught, shall cause such child to attend the public school all the time such school is in session, unless the child shall be excused by the school board of the district because his physical or mental condition is such as to prevent his attendance at school for the period required, or because he was instructed in the English language in a private school approved by the school board for a number of weeks equal to that in which the public school was in session in the common English branches, or, having acquired those branches, in other more advanced studies. Any person who does not comply with the requirements of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense, for the use of the district.

P. S. 93:14, as amended by 61, laws 1901, and 13, laws 1903.

Superintendent of public instruction to have same powers as truant officers.

The state superintendent of public instruction shall have authority to enforce the laws relating to attendance at school and the employment of minors, and, for this purpose, he and any deputy appointed by him shall be vested with the powers given by law to truant officers when authorized by school boards to enforce the laws relating to attendance at school and the employment of children. And the expenses necessarily incurred by the state superintendent in

P. S. 93:15, as amended by 61, laws 1901.



such enforcement shall be paid as audited and allowed by the governor and council.

Copies of law to be sent to offenders.

The school board of every district shall cause a copy of the two preceding sections to be sent to every person who they have reason to believe does not comply with the requirements of section 14 of this chapter. P. S. 93:16.

Penalty for interrupting school.

Any person, not a scholar, who shall wilfully interrupt or disturb any school shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days. P. S. 93:17.

School board must prosecute offenders.

It shall be the duty of the school board to prosecute offenders for violations of the provisions of this chapter. If they neglect to perform this duty they shall forfeit twenty dollars for each neglect, for the use of the district, to be recovered in the name of the district by the selectmen of the town. All necessary expenses incurred in such proceedings shall be paid by the district. P. S. 93:18.

Limitation of prosecution.

No prosecution under this chapter shall be sustained unless begun within one year after the offense is committed. P. S. 93:19.

Private schools must be approved.

No certificate as provided in the foregoing sections shall be issued for attendance at any private school, unless such school shall have previously been approved by the school board of the district in which it is situated as furnishing instruction in the English language in all the studies required by law equal to that given in the public schools of said district, and unless the record of attendance shall be kept in the form required of the public schools, and be open to the inspection of the school board of the district at all times. P. S. 93:20, enacted by 62, laws 1895.



## VII.

## SUPERINTENDENT OF PUBLIC INSTRUCTION.

- Appointment. The governor, with advice of council, shall appoint a superintendent of public instruction, who shall hold office for the term of two years, and shall have general supervision and control of the educational interests of the state. P. S. 94:1.
- Duties. The superintendent of public instruction shall prescribe the form of register to be kept in the schools, and the form of blanks and inquiries for the returns to be made by the school boards, and shall seasonably send the same to the clerks of the several towns and cities for the use of the school boards therein; he shall receive, preserve, or distribute all state documents in regard to public schools or education, and shall receive and arrange in his office reports and returns of school boards; he shall investigate the condition and efficiency of the system of popular education in the state, especially in relation to the amount and character of the instruction given to the study of physiology and hygiene, having special reference to the effects of alcoholic stimulants and of narcotics upon the human system, and shall recommend to school boards what he considers the best text-books upon those subjects and suggest to them the best mode of teaching them, and shall pursue such a course for the purpose of awakening and guiding public sentiment in relation thereto as may seem to him best, and he shall biennially make a report, containing a concise abstract of the returns of the school boards, a detailed report of his own doings, a statement of the condition and progress of popular education in the state, and such suggestions and recommendations in P. S. 94:2, as amended by 35, laws 1895, and 33, laws 1903.

regard to improving the same as his information and judgment may dictate. He shall have authority at the close of each biennial session of the legislature to compile and issue at the expense of the state an edition of the school laws with the session amendments, not exceeding two thousand copies.

He shall visit and lecture upon educational subjects in as many towns and cities of the state during the term of his office as the time occupied by his other official duties will permit. P. S. 94:3.

Institutes. He shall organize, superintend, and hold at least one teachers' institute each year in each county of the state, and appoint the time and place, and make suitable arrangements therefor. P. S. 94:4.

In case he is unable for any cause to conduct in person any institute, or to make the necessary arrangements therefor, he shall appoint the principal of the state normal school, or some other suitable person, for that purpose. P. S. 94:5.

Institute fund. The state treasurer is authorized and instructed to invest, as a permanent institute fund, the proceeds of the sale of the state lands effected under the authority of a joint resolution approved June 28, 1867, and the annual income thereof is set apart for the support of teachers' institutes. P. S. 94:6.

The superintendent of public instruction may draw upon the state treasurer each year for such part of said income as may be required to defray the necessary expenses of the institutes, and for procuring suitable instruction and lectures for the same. P. S. 94:7.

Expenses of institute. His account for the expenses of the institutes shall be audited each year by the governor and council, and he shall incorporate in his annual report a report of the institutes and of the expenses of the same. P. S. 94:8.

Copy of reports to be sent to school boards.

Traveling expenses.

He shall forward to the chairman of every school board in the state a copy of each of his annual reports. P. S. 94:9.

The traveling expenses necessarily incurred by the superintendent of public instruction in the performance of the regular duties of his office shall be paid as audited and allowed by the governor and council, not to exceed one hundred and fifty dollars (\$150) in any one year. P. S. 94:11, as enacted by 58, laws 1905.

## VIII.

### NORMAL SCHOOLS.

#### *Plymouth.*

Establishment.

The New Hampshire State Normal School, as heretofore established and located, is continued. The instruction in the school shall be confined to such branches as will specially prepare the pupils to teach in the public schools, and to such other branches as are usually taught in normal schools. The school shall be in session at least twenty weeks in each year. P. S. 95:1.

Trustees.

The management of the school shall be vested in a board of trustees composed of the governor, the superintendent of public instruction, and five other persons who shall be appointed by the governor, with the advice of the council, and shall hold office for five years, one of whom shall be appointed each year. P. S. 95:2, as amended by 3, laws 1903.

Officers of board of trustees.

The board shall choose from its members a president and secretary, and such committees and other officers as may be necessary to transact its business, and may choose a treasurer who is not a member of the board. They shall meet at least once each year and shall receive no compensation for services, but shall be paid their reasonable expenses while P. S. 95:3.

engaged in the performance of their duties.

Teachers. They shall select and employ a principal teacher for the school, who shall be allowed, with their advice and consent, to select the assistants and provide for the discipline of the school. P. S. 95:4.

Courses of study. The trustees, with the principal, shall arrange courses of study for the school. P. S. 95:5.

Examinations, admission and graduation. The trustees and principal shall prescribe and control the examinations for the admission and graduation of pupils, and they shall grant certificates of graduation to such as complete either course and pass the required examinations. P. S. 95:6.

Tuition free upon certain conditions. Tuition and graduation shall be free to all those completing either course of study who will agree to teach in the public schools of this state for a period equal to the length of such course. The trustees shall make such provisions as may be necessary to effect the purposes of this section. P. S. 95:7.

Support. The sum of twenty-five thousand dollars is annually appropriated for the maintenance of the school, to be expended as the trustees shall direct. P. S. 95:8, as amended by 59, laws 1903.

Teachers at institutes. The principal and teachers of the State Normal School shall assist and give instruction at teachers' institutes, so far as they can without interfering with their duties in the normal school, but they shall receive no additional compensation, except for travel and other actual and necessary expenses while so employed. P. S. 95:9.

Duties of superintendent of public instruction in connection with school. The superintendent of public instruction, in his annual report, shall state the condition of the school, the terms of admission and graduation, the times of the commencement and close of the sessions, and shall cause the same to be printed on the cover of the school register. P. S. 95:10.



*Keene.*

Establish-  
ment Keene  
Normal  
School.

On or before May 1, 1909, the governor and council and the board of trustees of the State Normal School shall organize as a joint board for the location and establishment of a normal school in Keene.

157:1, laws  
1909.

Said board is hereby authorized to receive aid in money, property or other valuable effects, for the benefit of said school from any and all individuals or municipal or other corporations. Said board is authorized to purchase or acquire such lands as it may deem best, consistent with the amount or means appropriated or otherwise obtained for such purposes. And in the purchase or acquisition of lands and the buildings thereon, if any, said board is authorized and directed to procure a good and suitable deed of conveyance in the name of the state and a proper instrument of sale of all such library, school furniture and apparatus therein as may be acquired.

157:2, laws  
1909.

Contract with  
city of  
Keene.

No money shall be expended under the provisions of this act until the union school district in said city shall have agreed in writing through its duly authorized officials with the duly authorized officials acting for the state, to co-operate with said school in the maintenance of model and practice schools, for a term of years, in such manner as shall meet with the approval of said trustees, and said district is hereby authorized to enter into such contract.

157:3, laws  
1909.

Appropriation  
for establish-  
ment.

A sum not to exceed ten thousand dollars (\$10,000) is hereby appropriated for the purposes of sections 1 and 2 of this act and the governor is hereby authorized to draw his warrant for all or any part of said amount upon any moneys in the treasury not otherwise appro-

157:4, laws  
1909.



priated, said sum to be used in connection with any other money or moneys that may be secured from any other source for the aforementioned purposes.

Government.

Said school when established shall be under the direction of the board of trustees of the state normal school now established, and said board shall be styled The Board of Trustees of the New Hampshire Normal Schools. All provisions of chapter 95 of the Public Statutes and the amendments thereto, not inconsistent herewith, relating to the organization, government and maintenance of the normal school mentioned therein and all the duties imposed or prescribed thereby for the trustees, teachers or pupils and the superintendent of public instruction shall apply to and be observed in the organization, government and maintenance of the normal school established under this act.

157:5, laws  
1909.

Contracts  
with towns  
other than  
Plymouth or  
Keene.

The Board of Trustees of the New Hampshire Normal Schools is hereby authorized to contract with any city or town in the vicinity of either of the normal schools for the maintenance of practice schools therein in connection with said normal schools and may provide for the payment of such portion of the compensation of the supervising teachers employed in said practice schools as they may deem just and equitable.

157:6, laws  
1909.

Any city or town is hereby authorized to enter into such contract as is provided by either section 3 or section 6 of this act; also any city or town is authorized to make such gifts as it may determine for the establishment or maintenance of said school.

157:7, laws  
1909.

Maintenance.

The sum of twelve thousand dollars (\$12,000) is hereby appropriated for the support and maintenance of said school for each school year beginning with the school year opening in September 1909 and 1910.

157:8, laws  
1909.

## IX.

## HIGH SCHOOLS.

Districts may establish high schools.

Any school district may, by vote or by-law, establish and maintain a high school in which the higher English branches of education and the Latin, Greek, and modern languages may be taught.

P. S. 89:9.

Discontinuance of such schools.

No high school established by a vote of a town shall be discontinued, or the location thereof be changed, except by the superior court, on petition of the school board of the town district in which it is located, after such notice as the court may order, if it shall appear that the educational interests of the town district require such discontinuance or change.

20, laws 1905.

Town must maintain.

It shall be the duty of any town in which there is a high school, established by vote of the town, to raise and appropriate each year sufficient money to properly maintain such school.

72, laws 1905.

Adjoining districts may make contracts for establishing joint high school.

Two or more adjoining districts in the same or different towns may make contracts with each other for establishing and maintaining jointly a high or other public school for the benefit of their scholars, and may raise and appropriate money to carry the contracts into effect; and their school boards, acting jointly or otherwise, shall have such authority and perform such duties in relation to schools so maintained as may be provided for in the contracts.

P. S. 89:10.

Districts may contract for tuition.

Any school district may contract with an academy, seminary, or other literary institution located within its limits or in its immediate vicinity, for furnishing instruction to its scholars; and the school money may be used to carry the contract into effect.

P. S. 89:10.

[Contracts made with institutions situated outside the state are not deemed

valid except in the instances specified below.]

High schools in dissolved special districts.

Whenever any school district organized under a special act of the legislature shall vote to abolish such district and to unite with the town district, if said town district shall vote to receive said special district, if said special district has for the five years next preceding such vote maintained a high school, it shall be incumbent on the town district with which it unites to thereafter keep and maintain within the limits of said special district a high school for at least thirty-four weeks in each year, and of equal grade to that which had been previously maintained therein by such special district, said high school to be open to all scholars in the town district, of suitable age and qualifications.

64:1, laws  
1891.

Towns must maintain such schools.

It shall be the duty of said town district to raise and appropriate each year thereafter sufficient money in addition to the school money which the town in which it is situated may raise, to properly maintain such high school, or schools, as may be established under the preceding section.

64:2, laws  
1891.

Discontinuance of such schools.

Any high school hereby established may be discontinued, or the location thereof changed, by the supreme court, on petition of the school board of the town district in which it is located, after such notice as the court may order, if it shall appear that the educational interests of the town district require such discontinuance or change.

64:3, laws  
1891.

Penalty.

Any town district failing to comply with the provisions of this act, or any of them, shall be fined for such neglect.

64:4, laws  
1891.

Towns not maintaining high schools must pay tuition.

Any town not maintaining a high school or school of corresponding grade shall pay for the tuition of any child who with parents or guardian resides in said town and who attends a high school or academy in the same or another town

96:1, laws  
1901, as  
amended by  
118, laws  
1903.

or city in this state, and the parent or guardian of such child shall notify the school board of the district in which he resides of the high school or academy which he has determined to attend; *provided, however*, that no town shall be liable for tuition of a child in any school, in excess of the average cost per child of instruction for the regularly employed teachers of that school and the cost of text-books, supplies, and apparatus during the school year preceding, nor in any case, shall the town be liable for tuition for any child in excess of forty dollars per year.

Liability for tuition.

If any town in which a high school or school of corresponding grade is not maintained neglects or refuses to pay for tuition as provided in the preceding section, such town shall be liable therefor to the parent or guardian of the child furnished with such tuition, if the parent or guardian has paid the same, or to the town or city furnishing the same in an action of contract.

96:2, laws  
1901.

Rebate from state in certain cases.

Such sum as may be needed shall be appropriated annually from the state treasury for the payment of tuition in high schools and academies, to be paid by the state treasurer in the month of December of each year to the treasurers of such towns as are entitled, and in such manner as is hereinafter provided, upon a sworn certificate of the superintendent of public instruction of the sums due.

96:3, laws  
1901, as  
amended by  
89, laws  
1905.

Towns whose rate of taxation for school purposes in any year is \$3.50 or more on \$1,000, and whose average rate of taxation for all purposes for five years next preceding is \$16.50 or more on \$1,000, shall receive a share of said appropriation as follows:

If the tax rate is from \$16.50 to \$17.49, one tenth of the tuition paid.



If the tax rate is from \$17.50 to \$18.49, two tenths of the tuition paid.

If the tax rate is from \$18.50 to \$19.49, three tenths of the tuition paid.

If the tax rate is from \$19.50 to \$20.49, four tenths of the tuition paid.

If the tax rate is from \$20.50 to \$21.49, five tenths of the tuition paid.

If the tax rate is from \$21.50 to \$22.49, six tenths of the tuition paid.

If the tax rate is from \$22.50 to \$23.49, seven tenths of the tuition paid.

If the tax rate is from \$23.50 to \$24.49, eight tenths of the tuition paid.

If the tax rate is from \$24.50 to \$25.49, nine tenths of the tuition paid.

Over \$25.49, the whole of such tuition.

If more than \$8,000 should be needed in any year for the purposes of this act, the said \$8,000 shall be distributed pro rata to the towns entitled to receive the same, in accordance with the foregoing classification.

Definition of high school.

By the term "high school" or "academy," as used in this act, is understood a school having at least one course of not less than four years, properly equipped and teaching such subjects as are required for admission to college, technical school, and normal school, including reasonable instruction in the constitution of the United States and in the constitution of New Hampshire, such high school or academy to be approved by the state superintendent of public instruction as complying with the requirements of this section. And said superintendent is authorized to approve a school maintaining any part of such course for the part so maintained.

96:4, laws 1901, as amended by 31 and 118, laws 1903, and 19, laws 1905.

Approval by superintendent of public instruction.

Literary fund for scholars attending high schools and academies.

Towns paying tuition of scholars in high schools or academies shall receive a proportionate share of the literary fund for the attendance of such pupils. All academies and private schools shall be furnished with copies of the school

96:5, laws 1901.



register, and shall make an annual statistical report to the state superintendent.

Districts may make contracts for tuition. Status of schools with which contracts are made.

Any school district may make contracts with any academies or high schools or other literary institutions located in the state for furnishing instruction to its scholars, and such school district may raise and appropriate money to carry into effect any contracts in relation thereto. Every such academy or high school or literary institution shall then be deemed a high school maintained by such district, if approved by the superintendent of public instruction in accordance with section 4 of this act.

96:6, laws 1901, as amended by 118, laws 1903, and 90, laws 1905.

The school districts in the towns of Walpole, Mason, Rollinsford and Conway may make contracts with Bellows Falls, Vt., Townsend, Mass., Berwick Academy, Me., and Fryeburg Academy, Me., respectively, for furnishing instruction to their pupils of high school grade, and may raise and appropriate money to carry such contracts into effect.

122, laws 1907.

Districts located on state line may contract with institutions in other states.

Any school district in towns bordering on the state line, not having a high school or school of corresponding grade, may make contracts with high schools or academies in towns and cities located out of the state, whenever by reason of distance and transportation facilities such schools outside the state are more accessible to the pupils, and may raise and appropriate money to carry such contracts into effect, *provided, however*, that every such academy or high school shall be approved by the superintendent of public instruction, in accordance with section 4, chapter 96, session Laws of 1901, and acts in amendment thereof and addition thereto.

96:7, laws 1901, as enacted by 100, laws 1909.

Districts located on state line must pay tuition in approved institutions in other states.

Any district in a town bordering on the state line not maintaining a high school or school of corresponding grade shall pay for the tuition of any child, who, with parents or guardian resides in said district and who attends a high

96:8, laws 1901, as enacted by 100, laws 1909.

school or academy located out of the state, whenever by reason of distance and transportation facilities such schools outside the state are more accessible to the pupils, *provided, however*, that every such academy or high school shall be approved by the superintendent of public instruction, in accordance with section 4, chapter 96, session Laws of 1901, and acts in amendment thereof and addition thereto, and the parents or guardian of such child shall notify the school board of the district in which he resides of the high school or academy which he desires to attend, and the approval of the school board shall be necessary in all cases arising under this section.

Such districts shall be entitled to rebate.

Towns paying for tuition of scholars in high schools or academies out of the state shall be entitled to share in the annual appropriation of the state for such tuition, and in the literary fund, so-called, in the same manner as towns paying for the tuition of children attending a high school or academy in the state.

96:9, laws 1901, as enacted by 100, laws 1909.

The principal of each college, academy, seminary, or other institution of learning incorporated by the laws of this state, shall annually and before the first day of November of each year, forward to the New Hampshire Genealogical Society, for its library, one copy of each printed catalogue of its officers and students and courses of studies published during the year next preceding said date.

40, laws 1907.

## X.

### SUPERVISION.

District may require board to appoint superintendent.

A school district may require the school board to elect or appoint a superintendent of schools, who shall hold office for such term, be vested with such of the powers and charged with

P. S. 90:24, as amended by 48, laws 1895.

such of the duties of the school board, and be entitled to such compensation as it may provide; and such district may raise and appropriate money to pay the compensation.

Two or more towns or special districts may jointly employ superintendent.

Two or more towns or special districts may, by vote of each, form a district for the purpose of employing a superintendent of the public schools therein, who shall perform in each town the duties prescribed by law and the regulations of the school boards.

47:1, laws  
1895.

Such superintendent shall be appointed by a joint committee composed of the school board of each of the towns of said district, who shall determine the relative amount of service to be performed by him in each town, and shall fix his salary and apportion the amount thereof to be paid by the several towns, and certify such amount to the treasurer of each town. Said joint committee shall, for said purposes, be held to be the agents of each town composing such district.

47:2, laws  
1895.

Two or more towns or special districts may form supervisory district.

Two or more towns or special districts, or their school boards when duly authorized by their respective districts, may, by vote of each, form a supervisory district for the purpose of employing a superintendent of the public schools therein, who shall perform in each town the duties prescribed by law and by the regulations of the school boards, giving thereto his entire time.

77:1, laws  
1899.

Joint supervisory committee.

The school boards of the several districts forming the supervisory district shall constitute a joint committee which for all purposes of this act shall be the agent of each district therein represented. Said committee shall meet between April 1 and August 1 of each year, as may be agreed upon by the chairmen of the several boards and organize by the choice of a chairman, a secretary, and a treasurer. It shall

77:2, laws  
1899.

elect a superintendent for such supervisory district, determine the character and value of his services, and apportion the same among the several districts, certifying such apportionment to their respective treasurers.

State will pay one-half salary of superintendent.

Any town or special district which shall unite with one or more districts to form a supervisory district, which shall employ as superintendent, at an annual salary, a person holding a permanent state teacher's certificate, and shall certify through its chairman and secretary such facts to the state treasurer, shall be entitled to one-half its apportioned share of said salary, said sum to be paid by him in December of each year to the town treasurer of each town in said supervisory district, upon sworn statement of the state superintendent of public instruction certifying as to what amount each town is entitled. This section shall not apply to cities.

77:3, laws 1899, as amended by 18, laws 1901.

[The town's portion of the superintendent's salary may be paid out of the school money.]

Size of districts.

Supervisory districts of less than three towns formed under this act shall employ not fewer than twenty nor more than sixty teachers.

77:4, laws 1899, as amended by 115, laws 1905.

Withdrawal from supervisory district.

Any town or special district which has united, or may hereafter unite, with any other town or towns, district or districts, to form a supervisory district, as provided by chapter 77 of the Laws of 1899, may, at any annual school district meeting, by vote, rescind such action, and thereupon shall, at the end of the school year or at the expiration of the period for which such supervisory district may then already have contracted for the services of a superintendent, cease to be a part of such supervisory district.

81, laws 1901.

## XI.

## UNCLASSIFIED.

Town clerks must notify superintendent of public instruction names of local school board.

Every town clerk, within thirty days after the annual meeting, shall report to state officers the names and post-office addresses of town officers as follows : . . . to the state superintendent of public instruction, those of the local school board. . . . Any town clerk who neglects to make reports as required by this section shall be subject to pay a fine of twenty dollars for each failure, one half for the use of the department to which he fails to report, and the other half for the use of the town. P. S. 43:3.

Legalizing actions of town and district meetings, 1909.

All acts and proceedings of the voters of towns in the year 1909 appropriating money for school purposes, whether same was voted in annual town or annual school district meetings are hereby legalized and made valid. 97, Laws 1909.



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